

REMARKS

By this amendment, claims 1, 3, and 6-9 and the specification have been amended. Claims 1-10 are currently pending in the application, of which claims 1 and 9 are independent.

Applicants respectfully submit that the above amendments are for clarification and better wording only, and do not add new matter to the application and are fully supported by the specification.

In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 112, second paragraph

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 1 has been amended for clarification, and not to avoid prior art or narrow the claimed invention. No change in claim scope is intended. Claim 1, as amended, fully complies with the requirements of 35 U.S.C. § 112, second paragraph, and the rejection should be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,034,994 issued to Yoon ("Yoon"). Applicants respectfully traverse this rejection for at least the following reasons.

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper.

Yoon fails to disclose every feature of claim 1. The steps of claim 1 (as amended for clarification and better wording, and not to avoid the cited references) recite:

- a) storing a voice signal outputted from a vocoder of the wireless communication terminal for a predetermined time;
- b) selecting at least one of the voice signal values among which the occurrence of generation is lower than a threshold value to generate a token header data;
- c) combining token header data of variable lengths to form a token header and generating a token including the token header, the token header data having the lowest occurrence of generation among voice data outputted from the vocoder of the wireless communication terminal;
- d) at a transmission terminal, receiving a request for a secure communication from a user and transmitting the token to a reception terminal; and
- e) at the transmission terminal, entering into a secure communication mode based on an acknowledge token received from the reception terminal, and performing secure communication with the reception terminal.

Yoon fails to disclose at least these features of claim 1 for a number of reasons.

First, Yoon fails to disclose a “secure communication mode.” The examiner appears to rely upon the bypass operation disclosed in Yoon as the “secure communication mode” of claim 1. See Office Action, page 3 (citing to Yoon’s Fig. 3, “Begin bypass operation” to disclose step e) of claim 1). Applicants disagree with this characterization. Yoon describes bypass mode at col. 3, lines 15-30. Specifically, bypass mode operation is for “transmission of PCM data” between outgoing-end and incoming-end mobile stations, such as those shown at Yoon’s Fig. 2. Further, in bypass mode, data format differs from the data format in “general vocoding mode.” Yoon, col. 3, lines 15-30. But neither general vocoding mode nor bypass mode are disclosed to be a “secure communication mode.”

Second, while Yoon discloses the data format for bypass mode to include “a header of 7 bytes and a speech signal of 22 bytes,” (Yoon, col. 3, lines 16-17), Yoon fails to disclose that the header data has “the lowest occurrence of generation among voice data outputted from the

vocoder of the wireless communication terminal.” Neither of the sections of Yoon cited by the examiner in rejecting step c) include such disclosure, nor does any other portion of Yoon. Similarly, Yoon’s disclosure of “a header of 7 bytes” is insufficient to disclose “b) selecting at least one of the voice signal values among which the occurrence of generation is lower than a threshold value to generate a token header data.” And Yoon’s Fig. 4, although relied upon by the examiner to disclose step b), instead shows the process whereby the control station vocoders transition from vocoding mode to bypass mode. Yoon, col. 4, lines 39-43. Contrary to the examiner’s position, Yoon fails to disclose these features of steps b) and c).

Third, as just noted, the vocoders described in Yoon are vocoders of the control station, and the control station is a separate component from the mobile station. Yoon, col. 3, lines 59-63; Fig. 2. Thus, these vocoders are outgoing-end and incoming-end vocoders of the control station, not “of the wireless communication terminal.” Therefore, the examiner’s reliance upon a control station vocoder to disclose the “vocoder of the wireless communication terminal” is incorrect. For example, the examiner cites to Yoon’s col. 3, lines 15-20 (which discloses the different data formats for bypass mode and general vocoding mode) to disclose “storing a voice signal outputted from a vocoder of the wireless communication terminal for a predetermined time” as recited in step a) of claim 1. Office Action, page 3. But the vocoding mode and bypass mode described in Yoon refers to the vocoders in the control stations. Even if Yoon’s mobile stations have vocoders, Yoon is silent on this issue and the examiner has offered no theory of inherency to support a rejection on this basis.

Fourth, as noted above, step d) of claim 1 recites “at a transmission terminal, receiving a request for a secure communication from a user and transmitting the token to a reception terminal.” The examiner cites to Yoon’s Fig. 3, Vocoding Mode Operation block for this feature. Office Action, page 3. But this block merely indicates that the control station vocoder continues to operate in general vocoding mode for speech signals. Yoon, col. 4, lines 22-29. Further,

Yoon discloses that the request for bypass mode communications is a signal (including a bypass flag) sent from the outgoing-end vocoder (of the control station) to the switching unit, and then from the switching unit to the incoming-end vocoder (of the control station). Yoon, col. 4, line 62 to col. 5, line 24. The mobile stations are not included in this signal transaction. Rather, the mobile stations have limited involvement in Yoon's method, such as where "the switching unit receives a signal output from the ... mobile station" to determine the mobile station's operation mode. Yoon, col. 5, lines 7-10. Yoon fails to disclose that the bypass flag is transmitted from "a transmission terminal ... to a reception terminal."

Finally, Yoon fails to disclose that "an acknowledge token [is] received from the reception terminal" by "the transmission terminal," and that the transmission terminal enters "into a secure communication mode based on an acknowledge token received from the reception terminal." The examiner relies upon Yoon's Fig. 3 to disclose these features of step e). Applicants again disagree. Contrary to the examiner's position, according to Yoon, the bypass mode is entered into by the control station vocoders. See, e.g., Yoon, Fig. 3, Fig. 4. Yoon fails to disclose at least these features of step e) as well.

For at least all these reasons, Yoon fails to disclose every feature of claim 1. Similarly, for at least these same reasons, Yoon fails to disclose every feature of claim 9 (as amended for clarification and better wording, and not to avoid the cited references).

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1 and 9. Claims 2-8 and 10 depend from claim 1 and are allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1 and 9, and all the claims that depend therefrom, are allowable.

Other Matters

As mentioned above, the claims 1, 3, and 6-9 and the specification have been amended for better wording and clarification, and not to avoid prior art or narrow the claimed invention.

No change in claim scope is intended by these amendments.

CONCLUSION

A full and complete response has been made to the pending Office Action and all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, all pending claims are allowable and the application is in condition for allowance.

The Examiner is invited to contact Applicants' undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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